TO:

THE CITY COUNCIL

COUNCIL MEETING DATE: April 20, 1988

FROM:

THE CITY MANAGER'S OFFICE

SUBJECT:

PUBLIC HEARING APPEALING TWO CONDITIONS ESTABLISHED BY THE PLANNING

COMMISSION ON THE APPROVAL OF THE TENTATIVE SUEDIVISION MAP OF MOKELUMNE

VILLAGE

INDICATED ACTION: Conduct a public hearing to consider the appeal of Michael D. Hakeem, Attorney at Law, representing David Arnaiz on behalf of the H.D. Arnaiz Corporation on the following conditions imposed by the Planning Commission on the approval of the Tentative Subdivision Map of Mokelumne Village East, a 9.2 acre, 38 lot, single-family residential project proposed for the northwest corner of State Route 99 and East Turner Road:

- 1. that the developer install a water main crossing at State Route 99 with the City paying one-half the water main cost; and
- 2. that the developer provide access right-of-way to an existing sewage lift station from a cul-de-sac with the City abandoning existing access.

At the conclusion of the hearing the Council may approve all, part or none of the appeal.

BACKGROUND INFORMATION: Since the conditions being appealed are distinctly different types of requirements, it is appropriate that they be reviewed separately.

The Planning Commission required the water main crossing because the City's water main extension policy is spelled out in Sections 13.08.070 through 13.08.140 of the Lodi Municipal Code (Pages 221 and 222). The Planning Commission is not empowered to amend or interpret these sections.

The City Attorney, during the discussion of this item before the Planning Commission, indicated that he was concerned about a requirement for a water main extension by a developer when his subdivision was already served by existing facilities. He informed the Commission that existing Government Code Sections require a City to show a nexus between subdivision conditions and the burden the developer is creating.

The second item being appealed is quite another matter. The developer wishes to give additional access on Turner Road to an existing sewage lift station. The Planning Commission rejected this proposal because it (1) would be hazardous to pedestrians and vehicles on Turner Road; (2) would create a hole in the reverse frontage fence; (3) would invite vandalism to the lift station; and (4) would require additional landscaping and other maintenance.

The Planning Commission required an access similar to the one at the intersection of Shady Acres Drive and Cabrillo Circle which is located between two lot lines at the end of the cul-de-sac. This solution solves the problems listed above and is very low maintenance.

JAMES B. SCHROEDER

Community Development Director

Attachment CC6/TXTD.01C

April 13, 1988

March 31, 1988

City of Lodi City Hall 211 West Pine Street Call Box 3006 Lodi, CA 95241-1910

ATTN: Mr. James B. Schroeder

Community Development Director

RE: Mokelumne Village East

File No. 875016

Dear Mr. Schroeder:

In connection with the above-captioned matter, and that certain tentative map approved by the Lodi Planning Commission on Monday, March 28, 1988, this correspondence will confirm that the applicant respectfully requests the opportunity to appeal to the Lodi City Council concerning the following conditions:

- 1. The requirement to be responsible for one-half of the cost for the installation of the water main crossing at Highway 99. This was previously referenced under the City of Lodi, Public Works Department letter dated March 18, 1988 to the applicant as condition No. 2.
- 2. The requirement to provide access right-of-way to sewage lift station from cul-de-sac. This was previously referenced under the City of Lodi, Public Works Department letter dated March 18, 1988 to the applicant as condition No. 10.

With respect to the above conditions, I have been advised by Mr. Ron Stein, City Attorney, that this correspondence will serve to appeal the above-referenced conditions to the City Council. Please advise concerning the City Council hearing date relative to this continuing file.

Marketine Marketine Mr. James B. Schroeder Community Development Director March 31, 1988 Page Two

 $\label{eq:thm:control} \mbox{Thank you } \mbox{for your courtesy and cooperation in processing this matter.}$

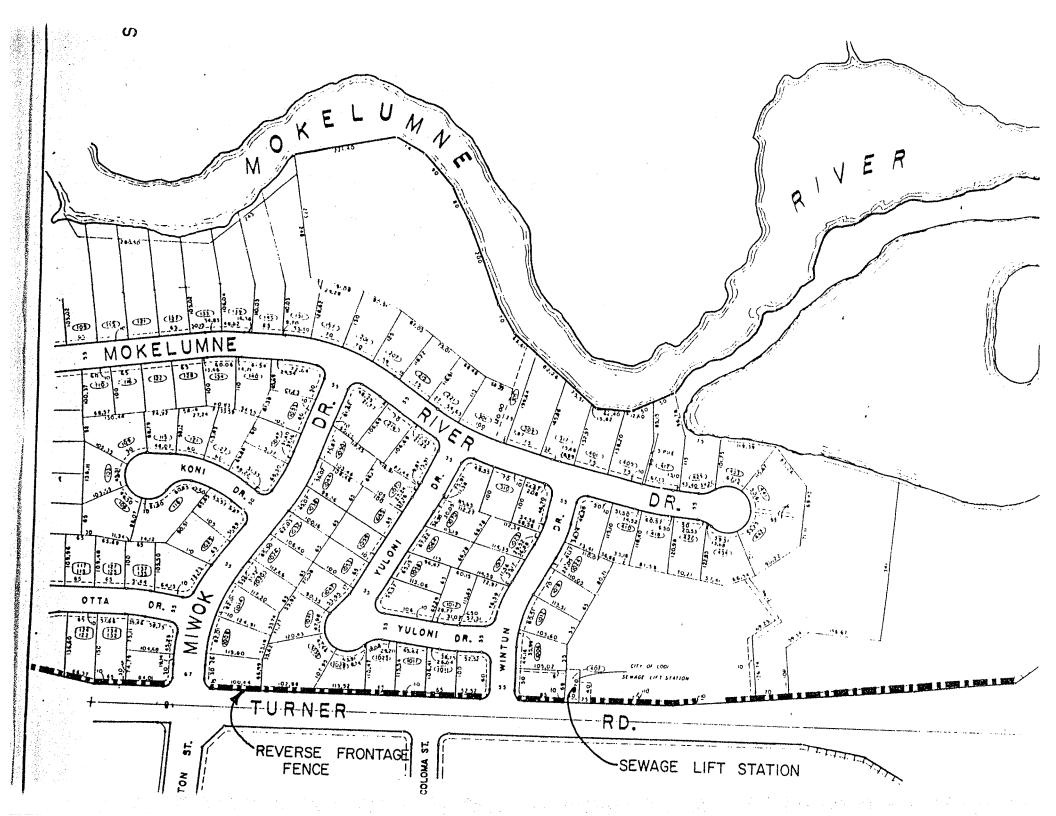
Very truly yours,

RISHWAIN, HAKEEM & ELLIS
A Professional Corporation

By: MICHAEL D. HAKEEM (Ly)

MDH/dy

DICTATED BY THE WRITER; Founded and mailed in Instance to avoid delay.





MEMORANDUM, City of Lodi, Community Development Department

TO:

CITY COUNCIL

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

DATE:

APRIL 19, 1988

SUBJECT:

MOKELUMNE VILLAGE EAST

NEGATIVE DECLARATION

The Community Development Department has filed a Negative Declaration for the Mokelumne Village East project. It is recommended the Negative Declaration be certified with the following conditions:

- 1. That a noise analysis be conducted on the project. The analysis should include recommendations for noise reduction measures to bring interior noise levels down to acceptable noise levels of less than 60 Ldn. There should also be a followup analysis once the houses have been constructed to determine the effectiveness of the noise reduction measures. The analysis should be done by a qualified acoustical consulting firm, paid for by the developer.
- 2. Approval of the tentative map must include one of the following:
 - a. Dedication of a public easement to the Mokelumne River to provide for reasonable public access to the river as required by the Subdivision Map Act.
 - b. The City can approve the map without the easement dedication if a finding that reasonable public access to the Mokelumne River is available within a reasonable distance from the subdivision.

If there is no public easement dedication, some provision should be made for access to provide for long-term maintenance and emergency service for the area adjacent to the river.

GECLARATION OF MAILING

On April 8, 1988 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that tile foregoing is true and correct.

Executed on April 8, 1988, at Lodi, California.

ALICE/M. REIMCHE

City Clerk

Judith Johnson

pepaty City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, April 20, 1988 at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing to consider the appeal of Michael D. Hakeem, Attorney at Law, Rishwain, Hakeem and Ellis, 2800 West March Lane, Suite 200, Stockton, California, representing David Arnaiz on behalf of the H. D Arnaiz Corporation on the following conditions imposed by the Planning Commission on the approval of the Tentative Subdivision Map of Mokelumne Village East, a 9.2 acre, 38 lot, single-family residential project proposed for the northwest corner of State Route 99 and East Turner Road:

- 1. the requirement to be responsible for one-half of the cost for the installation of the water main crossing at Highway 99.
- 2. The requirement to provide access right-of-way to the sewage lift station from cul-de-sac.

Information regarding this item may be obtained in the office of the Community Development Director at 221 Nest Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 west Pine Street, at or prior to, the Public Hearing.

By Order of the Lodi City Council

Alice M. Reimche

City Clerk

Dated: April 6, 1988

Approved as to form:

Romald M. Stein

City Attorney

PH/04 TXTA.02D THE REPRODUCTION O THIS DOCUMENT CANNOT BE IMPROVED DUE TO THE CONDITION OF THE ORIGINAL

MAILI	· ·	RCO FADIUS MAILING LIST FE	RATER CONTROL VILLAGE TE		
fiche gr	•	OWNERS NAME		CITY , STATE	ZI
166 CL	041-250-41	VIIN PECPLETILLS	PUSECX #15492 X 100 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	37CCKTON, CA	9.201
266 D	-42	FILL PROPERTIES 18	POS BOX #8492		7520
109 11			441 MOX FINIMNE DLVIELDON		9524
166 D	-44	SOMHCRYTULE CHARLEST ESMASS	442 WHANCE CHANGERIVED DIZE	1	+
019 GI	ū		PO淋巴的光髓和497。同一手的形容的		952
266 19	-46	EMA COULTING 100 800	IDEJXX 9KS4.722 PROTECTION SHOWING	STACKTON CIL	15,0
256 7	1-41-310-01	BAUFE WILLIAM I DT XX	10000 WINTUN DR	ids, CA	9524
010 BC	رن- ر	CHILCK HICKORY HANTSLESSE	TOOK MUTUAL LISK IN MUTUAL WAS AND ADDITIONAL WAS A STATE OF THE PARTY	# 1 - P	1
020 IX	-0,3	MIRHING IT WHEN BYITH			
<u> </u>	, -04.	ITTAK LAKK! A LTAL BOOKS	1018 W WINTUN 1/2 1018	粉:	
VAU CO			1024 TW WITHTON DR WORKER		
26664		OLC TURNER CHERTER 商が			1
216 CY		FIN AKMUZY COLLY	53(6) 100 N 100 PEOSITENCY 100 N 100 100 100 100 100 100 100 100 1		152
274 PI		FLORY DAVIN K. ETAL	1118 MOVELUMNE REVIEW DRIVE	LOUL, CA	9521
020 DL		BULLION VICKILIA	INTO OTTA & DOCTOR CONTROLL	: 1	1
241 111		XULULE WILLIAM SKIH	1/34 MOKELUMNE REVER		
1660 G		MNSNUS DECETTE L.	433 MOYELUMINE " PIVER DR.		
020 16	-14	CHOMPACKET LANGELINGE LAC	4125 MOKLLUMNE, KIVEP DIZ.	† .	F
via Fl	-15	MYNILS DIVILLED ENG.		STOCKION, CA	7529
56 K		DIVER IN WALL THEN	409 MOKELIJMNE PLVER		9524
241 11		GARCLA SAM PILL 80	SESTINTHORNIUN RU MATERIALIS		95'20
02000	· "18		317 "MOKERAMNE" BILVEIZ DIS		95240
56 K		BLIAL PHILLIP , 50	1258 CRENTION CT		945
25CP CX	-41	KLIVILL MINKY & COLLEEN MAKE	10/74-YULOUTHADE DE CONTRACTO	Last ICV	95211
30	-42	REDIMANK ARTHURITUCKING	1011 - W. VULONJ. 122	·	1
1201 FC		MUNICIA MILIONA SILARON SE	100 DINTUN DIS HARRIST		
120 16		AUDIANGLE L FILLORY ICL			
NO PO		SOUNTY SOUCH BOOKERS BUT	MIZE YULCNIEDE		
110 51		MENELL ROWEL + LINDA	WIREYULONI IP.		
275 118		KUWATAKA PROTE LENE 1800	1058 WINCHULONI DIZ		
156 L3		WELFTER YAUL J. 12 ALS	1064 YULONI DU.		
1491	-49	FOOLHOW RAIPH + DLUNYSME		*	7
174 []		IL MINAT CORV.	V.A COX率99.2009	STATE FOR CA	7521
6611	-5i	YOUN SUL 4 11/10 5	310-18MORIWHWE LIVERS IN.	LOVETCA	95240
7/11/	-21	SCUCAL CINEMA BOILS	MODI STANIANE DIE	1	1 5.10.
1/4 01	3/	WITH THE TANK TO	10.23 LUNIVALLE, MARCHANIA		
5611		COCCUCIE 2021 611 + WOSTY	73243 710CHON 217		-
	C41-350-57			INC CNINC ON	054
سرون		COMMUNE CONTRACTOR	15495 LOS GASOS 47	LOS GNIOS, CA	9503 9703

THE REPRODUCTION OF THIS DOCUMENT CANNOT BE CONDITION IMPROVED OF THE ORIGINAL CANNOT J THE

	2.01		*	and the state of t		
MA	LIN	G LIST FOR:	300' PADICES FUILING LISTIFF	ER FICKERUPING VILLAGE E	ST FILE "	
fiche	grid	AP#	OWNERS NAME	MAILING ADDRESS		ZIP
		O41 + 3/50 - 107		307番号IANISCHU 99番号TFI将年後終端の後年	LOUI, CN	95246
120			RIVERA MAY VICONNEE於 傳統	315高UINNESERUS開与T機能強度的		
1200			GUNTERON CAIN I WAS	321IDIANDYYUUSBSTISSASSASSASSASSASSASSASSASSASSASSASSASSA	Special Control of the Control of th	<u> </u>
buc			JOHNSON HONAUDO 120 ME	32735TANI的LNU与最后12mk。18612	1, 1	+
		641-3117-21p		しらいのかでしてきずででするちゃりの理論解例論		1. CATX
010			CALAVIDAS CORNURS - 48 48	15495歳年109世847055117 ※ 中国の対象が	LOS GAIOS, CA	950530
wa		-29		400 %5TANDSDUNTATION - CHARACTERS	TOUE CV	9.57.40
218		-31		リドラTANISLAUS STANDARD		
256			OCHMEDT HARCUDILE : 188	42051ANISCAUS 357,总算数据等	4 1 1	4
	1.14	· <i>'</i> 5	FARTA RONNIDILINDA 图:	2741 1984 11 18 17 REA 图 18 18 18 18 18 18 18 18 18 18 18 18 18	ROCK IJLAND, ST	6120
	60		SOMEARY ITHOUSENOUSE THE	113 乙含51人以上5亿人以下多名下列的政策的信息	LOUL (CA	95 रमक
Cico	5!1	-স	DAMO, HALOUZADIANA 💀 🛞	LUS 原名INVISONUS でいい、「「大学教育のでき		
274	<u>1913</u>			には少くを対しているUAISTRATの新り上して		+
020			COCONTI CUTITIES : :	19495-1871-1980 A105-117-1988-1888-1888-1888-1888-1888-1888-	103 Chicision	1503
	<u>UI</u>		COLONI CONTROLS ARE 1847	15455年於LOS閣GATOS開始人力的企業生於	LOS: GAIOS, CA	75 O.30
020	رال	-46	YATIS LAVET LA VONNE SON	LOTESTANDOCAUS AST TO THE MARKET HAT	LOUIL, CA	५ १५७
02(1)		-47	INYLOG CAPLAS WILLIAMS	401 TIANISCAUS 57 Francisco	· \	1
0 K/.	111	-48	RYTHAST MARCIA - Age	415年5TAN15LAD5※57 当海線 300		
a_{20}		-49	CORCLE STEVENIC . IN The	421年STAN 15/AUS 57 一种的		
(OZ(1		·sc	JULINO, CYNTHIA A	427月3TANTSLAUD OTWO		
1510	11/1	-51	NETO FLANE ADE MORE	には出来のできません。これは、これでは、これでは、これでは、これでは、これでは、これでは、これでは、こ	. *	
266				439 STANJSLAUD STANJSLAUD		
22Cb		.53		445% STANISLAUTOST BELLEVIE		
ma		·54	MULTA EDNONDA (227A) - 1965	558DERTHIMRNEY LANG		
1	OL	:SS		45749IANIOUS OST MARIENTEY		
020		-50		924年ORO開WAYAR SECTION AND A SECTION AS A SE		
0100		-67	FORTA JOHN IN TULLE	MIRE CROWINAY THE PROPERTY OF	·	
VIa.	111	-58	MARLIN TOLLULUSTALLES	912。维沙尔(加斯巴科斯岛),不可以的第三年	t is 🏋	*
			1.5 April 1	。 解除精神和自然情况的证明。 1000年,他们最初地区域是	er i sy si	
	l		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	的复数的现在分词 医克里氏试验检尿道		
			· The states	新疆域和 是中国域国际的中心。1996年第二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十		
				TO THE REPORT OF THE PERSON OF		
				1995年 · 1995年		
				· · · · · · · · · · · · · · · · · · ·		
				And the second s		
			and the second s	No. 200 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		

				4.75.44.		
1	${<}$			ente de entre financia de la composition de la constantina del constantina del constantina de la constantina de la constantina del		
	~(l		Something the state of the stat	<u> </u>	

TITY COUNCIL

EVEL YN M. OESON, Mavor JOHN R. (Randy) SNIDER Mayor Pro Tempore DAVI D. M. HINCHMAN JAME S. W. PINKERTON, Jr. FRED. M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

TELECOPIER (209) 333-6795

THOMAS A PETERSON City Manager

ALICE M REIMCHE City Clerk

RONALD M STEIN
City Attorney

April 22, 1988

Mr. David Arnaiz H. D. Arnaiz Corporation taw Offices of Rishwain, Hakeem & Ellis 2800 West March Lane Suite 200 Stockton, CA 95207

Gentlemen:

This letter will confirm that, following a public hearing concerning the matter, the Lodi City Council took the following actions regarding the Mokelumne Village East project:

- 1. Certified the filing of a Negative Declaration as adequate environmental documentation with the following condition:
 - a) That a noise analysis be conducted on the project. The analysis should include recommendations for noise reduction measures to bring interior noise levels down to acceptable noise levels of less than 60 Ldn. There should also be a follow-up analysis once the houses have been constructed to determine the effectiveness of the noise reduction measures. The analysis should be done by a qualified acoustical consulting firm, paid for by the developer.
- 2. Introduced Ordinance No. 1424 amending the Land Use Element of the Lodi General Plan by redesignating the 9.2 acre parcel at the northwest corner of State Route 99 and East Turner Road from Commercial to Low Density Residential.
- 3. Introduced Ordinance No. 1425 rezoning the 9.2 acre parcel at the northwest corner of State Route 99 and East Turner Road from C-S, Commercial Shopping to R-1, Single Family Residential.

Further, following a public hearing concerning your appeal regarding certain conditions imposed by the Planning Commission on the approval of the Mokelumne Village East Tentative Subdivision Map.

- a) In the matter pertaining to the requirement that the developer is responsible for one-half of the cost for the installation of the water main crossing at Highway 99, Council instructed staff to enter into negotiations regarding the subject looping and placed a maximum cost responsibility to the developer at 50% of the total cost of the installation.
- b) In the matter of the requirement to provide access right-of-way to the sewage lift station from the cul-de-sac, Council denied the appeal; however indicated that it would not be opposed to the developer and city staff working out a solution that would be acceptable to the Planning Commission.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche City Clerk

AMR:jj

cc: James B. Schroeder Community Development Director

> Jack Ronsko Public Works Director



BAUMBACH & PIAZZA, INC.

Phone (209)368-6618

May 10, 1988

JOB NO. 8837 file no. 8837.rei

Mrs. Alice M. Reimche City Clerk Cit, of Lodi 221 West Pine Street Lodi, CA 95240

Dear Mrs. Reimche:

Lodi Memorial Hospital is requesting a continuance for a public hearing to consider the Lodi Memorial Hospital appeal of the Planning Commissions decision on March 28, 1988. We will contact your office in the next few days to request a date.

If you have any questions, please call me.

Sincerely,

GLEN I. BAUMBACH

President

GIB; jc

cc: Richard E. Sanford, Lodi Memorial Hospital

Ben Schaffer